

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 08-05026-01-CR-SW-GAF
)	
IVRON BUTLER,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

The matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture. The Forfeiture Allegation sought forfeiture of:

1. Dell Inspiron laptop computer, bearing serial number 2PQKQ21, seized on September 5, 2008 by agents of United States Immigration and Customs Enforcement;¹
2. Custom-made computer, assembled by Best Buy, seized on January 10, 2007, by members of the Jasper County Sheriff's Department;

all seized from the defendant all in violation of 18 U.S.C. § 2253(a).

On September 14, 2009, defendant Ivron Butler pled guilty to Count Three of the Superseding Indictment and agreed to forfeit to the United States the property described above and in the Forfeiture Allegation of the Superseding Indictment.

The Court has determined, based upon defendant Ivron Butler's guilty plea on September 14, 2009, that the United States has established the requisite nexus between the described property and the offense to which defendant Ivron Butler has pled guilty.

¹The Dell Laptop computer, bearing serial number 2PQKQ21, seized on September 5, 2008, by agents of the U.S. Immigration and Customs Enforcement was administratively forfeited by Immigration and Customs Enforcement on January 9, 2009.

By virtue of the guilty plea, the United States is now entitled to a Preliminary Order of Forfeiture and to possession of the property pursuant to 18 U.S.C. § 2253.

Accordingly, it is hereby **ORDERED**:

1. Based upon the defendant's guilty plea to Count Three of the Superseding Indictment and his admission to the allegations made in the Forfeiture Allegation of the Superseding Indictment, the following property: a custom-made computer, assembled by Best Buy, seized on January 10, 2007, by members of the Jasper County Sheriff's Department; is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 2253.

2. Upon Entry of this Order, the United States or its designee is authorized to seize the above-described property in accordance with Fed. R. Crim. P. 32.2(b)(3).

3. Pursuant to 21 U.S.C. § 853(n), the United States shall publish for 30 consecutive days on the Internet site www.forfeiture.gov, notice of this Order, notice of the United States' intent to dispose of the property in such a manner as the Attorney General may direct, and notice that any person, other than defendant Ivron Butler, having or claiming a legal interest in the above-described property must file a petition with the Court (and serve a copy on Robyn L. McKee, Assistant United States Attorney), within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the

property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the Defendant at the time of sentencing (or before if the Defendant consents) and shall be part of the sentence and included in the judgment.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: October 8, 2009